

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

JILL DILLARD, JESSA SEEWALD,
JINGER VUOLO, and JOY DUGGAR,

Plaintiff,

Case No.: 5:17-CV-05089-TLB

CITY OF SPRINGDALE; WASHINGTON
COUNTY; KATHY O'KELLEY; ERNEST
CATE; RICK HOYT; STEVE ZEGA;
BAUER PUBLISHING COMPANY, L.P.;
BAUER MAGAZINE, L.P.; BAUER MEDIA
GROUP, INC.; BAUER, INC.; HEINRICH
BAUER NORTH AMERICA, INC.; BAUER
MEDIA GROUP USA, LLC; and DOES 1-10,
inclusive,

Defendant.

**PLAINTIFFS' EVIDENTIARY OBJECTIONS TO EVIDENCE IN SUPPORT OF CITY
OF SPRINGDALE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Plaintiffs hereby object to the evidence submitted in support of the City of Springdale Defendants' motion for summary judgment (Dkt. 141 Exs. 1 (Dkt. 141-1), 3 (Dkt. 139-8), 5 (Dkt. 139-10), 6 (Dkt. 139-11)) on the grounds that those evidence is inadmissible under the Federal Rules of Evidence.

I. DECLARATION OF EARNEST CATE (DKT. 141-1)

Plaintiffs object to the declaration of Earnest Cate ("Cate Declaration") on the grounds that it contains an improper opinion testimony and a legal conclusion (*See* Cate Aff. ¶¶ 3, 6, 15.) The portions of the Cate Declaration containing legal conclusion and improper opinion testimony are not admissible. Fed. R. Evid. 401, 402, 701, 704.

II. DECLARATION OF KATHY O’KELLEY (DKT. 141-2)

Plaintiffs object to the declaration of Kathy O’Kelley (“O’Kelley Declaration”) on the grounds that it contains hearsay (*see* O’Kelley Aff. ¶¶ 6, 7, 10, 12, 14), an improper opinion testimony and a legal conclusion (*see id.* ¶¶ 15, 17). The portions of the O’Kelley Declaration containing hearsays, legal conclusions, and improper opinion testimony and are not admissible. Fed. R. Evid. 401, 402, 701, 704.

III. DECLARATION OF RON HRITZ (DKT. 141-9)

Plaintiffs object to the declaration of Ron Hritz (“Hritz Declaration”) on the grounds that it contains an improper opinion testimony (*see* Hritz Aff. ¶ 13). Hritz’s improper opinion testimony is not admissible. Fed. R. Evid. 401, 402, 702.

IV. DECLARATION OF LESTER COGER (DKT. 141-11)

Plaintiffs object to the declaration of Lester Coger (“Coger Declaration”) on the grounds that it contains an improper opinion testimony (*see* Coger Decl. ¶¶ 13, 14) and violates the best evidence rule (*see id.*, ¶¶ 10-14). The portions of the Coger Declaration containing hearsay statements and the testimony violating the best evidence rule are not admissible. Fed. R. Evid. 801, 1002.

V. AFFIDAVIT OF SHERRL COLVILLE (DKT. 141-12)

Plaintiffs object to the affidavit of Sherrl Colville (“Colville Affidavit”) on the grounds that it includes an improper opinion testimony (*see* Colville Affidavit, ¶¶ 1,) and hearsay (*see id.*, ¶¶ 5, 7, 8). The portions of the Colville Affidavit containing an improper opinion testimony and hearsay are inadmissible. Fed. R. Evid. 401, 402, 701, 804.

VI. DECLARATION OF MIKE PETERS (DKT. 141-13)

Plaintiffs object to the declaration of Mike Peters (“Peters Declaration”) on the grounds

that it violates the best evidence rule (*see* Peters Decl. ¶¶ 7-9). The testimony violating the best evidence rule contained in the Peters Declaration are not admissible. Fed. R. Evid. 1002.

VII. AFFIDAVIT OF ABTIN MEHDIZADEGAN (DKT. 141-14)

Plaintiffs object to the affidavit of Abtin Mehdizadegan (“Mehdizadegan Affidavit”) on the grounds that it includes an improper opinion testimony (*see* Mehdizadegan Affidavit, ¶¶ 7, 9, 11), hearsay (*see id.*, ¶¶ 6, 7, 8, 10), and an improper legal conclusion (*id.* ¶ 13). The portions of the Mehdizadegan Affidavit containing an opinion, hearsay, or legal conclusion are inadmissible. Fed. R. Evid. 401, 402, 701, 704, 801.

VIII. DECLARATION OF TANDRA BARNFIELD (DKT. 141-15)

Plaintiffs object to the declaration of Tandra Barnfield (“Barnfield Declaration”) on the grounds that it lacks foundation (*see* Barnfield Decl., ¶ 2) and includes an improper opinion testimony (*see id.*, ¶ 2) and hearsay (*see id.*, ¶ 5). The portions of the Barnfield Declaration that lacks foundation and contain an improper opinion testimony and hearsay are inadmissible. Fed. R. Evid. 401, 402, 602, 701, 804.

Respectfully submitted,

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